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| 10/576,261 | 04/17/2006 | Mitsuhiko Chino | 288942US3PCT | 7090 |
| 22850 | 7590 | 04/09/2009 | | |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | | |
| EXAMINER | | | | |
| RAMSEY, JEREMY C | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3634 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/576,261

Applicant(s)

CHINO ET AL.

Examiner

JEREMY C. RAMSEY

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

The following office action is in response to the amendment filed on 12/29/2008. Claims 1-16 are pending in the application. Claims 4-5 and 8-13 have been withdrawn. Claims 1-3, 6, 7 and 14-16 are rejected as set forth below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki 6,978,820, Chino et al WO2004/104357 and Mamoru et al JP7229377.

3. In re claim 1, with reference to Figures 1, 4 and 5, Aoki '820 discloses a sliding screen door comprising:

- A net (4) being alternately folded back in a reverse direction at folding lines being parallel with each other, capable of expansion and retraction by horizontal pulling. (column 5, lines 24-30)
- A net guide (G) moving out from and into an interior of at least one end of a frame member (2), wherein the net guide (G) mutually and flexibly connects many guiding elements (14) formed of a U-shape composed of a bottom portion (14a) and rising wall (14b) forming a series of guide rails wherein the guides (14) are serially in contact with each other at the rising wall (14) portions of adjoining guide elements (14)

4. Aoki '820 fails to disclose:

- A wire member inserted into a through hole on the tip end portion of the rising wall.
- A net holding member engaged with the guide rail for suppressing the end portion of the net to be disengaged from the net guide by directly or indirectly holding the end portion of the net.
- Wherein the net holding member is disposed across outer and inner faces of the rising wall portion of the guiding element, while the net holding member is hung on a tip end of the rising wall portion of the guiding element and is engaged with the guide rail so as to be moveable along the guide rail.

With reference to Figures 4a and 4b, Chino et al '357 discloses:

- A wire member (50) inserted into a through hole (14) on the tip end portion of the rising wall (11).

5. With reference to Figure 4, Mamoru et al '377 discloses:

- A net holding member (20) engaged with the guide rail (4c) for suppressing the end portion of the net (2) to be disengaged from the net guide by directly or indirectly holding the end portion of the net.
- Wherein the net holding member (20) is disposed across outer and inner faces (bottom and top of rail) of the rising wall portion (30) of the guiding element, while the net holding member (20) is hung on a tip end (engaging

portion 29 is connected to the top) of the rising wall portion (30) of the guiding element and is engaged so as to be moveable along the guide rail.

6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the wire members inserted through holes in the tip end of the rising wall as taught by Chino et al '357 in order to stably and securely translate the guide members.

7. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to include a net holding member as taught by Mamoru et al '377 in order to maintain the lower section of the net being guided. (abstract)

8. In re claims 2-3, with reference to Figures 5 and 9, Mamoru et al '377 discloses:

- Wherein a guide rail is formed with a series of concave grooves (4e)(4b) being at an outer face and inner face of the rising wall portion (30), wherein the holding member (20) is movable along the guide by means of an engaging portion (29) formed in the net holding member with both of the concave grooves (4e)(4b).
- Wherein the net holding member (20) is engaged with the rising wall portion (30).

Mamoru et al '377 fails to disclose:

- The engaging portion of the net holding member is disk-shaped.

9. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to make the engaging portion disk-shaped since such a modification would have involved a mere change in the shape of a component. A

change in shape is generally recognized as being within the level of ordinary skill in the art. Further, changes in size or shape without special functional significance are not patentable. *Research Corp.v. Nasco Industries, Inc.*, 501 F2d 358; 182 USPQ 449 (CA 7) cert. Denied 184 USPQ 193; 43 USLW 3359 (1974).

10. In re claims 14 and 15, Mamoru et al '377 discloses:

- Wherein the concave grooves (4e)(4b) are at locations having different heights. (top and bottom)
- Wherein the concave groove (4e) formed on the inner face (top) of the rising wall, is more adjacent to the tip end of the rising wall than the concave groove (4b) formed on the outer face.

11. In re claim 16, the screen door of Aoki/Chino et al/Mamoru et al discloses:

- The net guide (6) is configured to mutually and flexibly connect many of the guiding elements (10) by inserting a series of wire members (14) into a through hole (50) following the tip end of the rising wall portions (11) of the guiding elements wherein an expansion portion (wider part where hole is formed) is formed at the tip end. (Chino '357, Figure 3)
- Wherein the inner face side concave groove (4e, Mamoru et al '377) is formed adjacently the expansion portion. (when combined with Chino '357)

12. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki 6,978,820, Chino et al WO2004/104357 and Mamoru et al JP7229377 as applied to claims 1-3 and further in view of Yukihiro JP7173979.

13. In re claim 6, the sliding screen door of Aoki/Chino et al/Mamoru et al has been discussed above but fails to disclose:

- A stretching string is inserted into the net and stretched between the frame, wherein the net holding member is configured to having a hooking hole for hooking the stretching string.

14. With reference to Figure 9, Yukihiro '979 discloses:

- A stretching string (21) is inserted into the net and stretched between the frame, wherein the net holding member (40) is configured to have a hooking hole for hooking the stretching string.

15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the stretching string as taught by Yukihiro '979 in order to provide an equal opening force on the screen on the bottom as on the top in order to allow smoother operation.

16. In re claim 7, Yukihiro '979 discloses:

- Wherein the hooking hole comprises a slit reaching an outer edge of the net holding member (40) and the stretching string (21) is hooked to the hole through the slit.

Response to Arguments

17. Applicant's arguments filed 12/29/2008 have been fully considered but they are not persuasive.

18. In response to applicant's argument that Mamoru et al does not disclose the net holding member disposed across outer and inner faces of the rising wall, while the net

holding member is hung on a tip end of the rising wall portion and engaged with the guide rail to be movable, the examiner respectfully disagrees as shown above in the rejection of claim 1. There is no indication as to what defines the outer or inner wall, therefore the examiner believes the top and bottom walls of the grooves can be interpreted as being outer and inner walls.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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